

EPA, OEPA, and Regulated Community Meeting

Discussion Topics

April 17, 2018

- **Priorities and Resources**

- What are current program management priorities in Region V?
- What are current program management priorities at OEPA?
- How is the Regional Office involved in the Administration's efforts on Regulatory Reform and compliance with other applicable Executive Orders?
- Can you provide some examples of how the Regional offices goals related to working with state agencies and the business community have changed in the past year?
- Is the regional office experiencing any staffing changes or reductions associated with budget changes or reorganization efforts?
- Goal 2 of the FY 2018-2022 EPA Strategic Plan ([[HYPERLINK "https://www.epa.gov/sites/production/files/2018-02/documents/fy-2018-2022-epa-strategic-plan.pdf"](https://www.epa.gov/sites/production/files/2018-02/documents/fy-2018-2022-epa-strategic-plan.pdf)]) is titled "Cooperative Federalism: Rebalance the power between Washington and the states to create tangible environmental results for the American people." The document notes that "...states have assumed more than 96 percent of the delegable authorities under federal law." That said, states are struggling with funding for the delegated programs. Does EPA have plans to assist states with obtaining funding for either delegated programs or any new programs that might be delegated to them?
- Objective 2.1 of the plan is titled "Enhance Shared Accountability: Improve environmental protection through joint governance and compliance assistance among state, tribal, local, and federal partners." Please provide examples of how Region V and OEPA either are or will be sharing accountability for programs under this plan.
- What efforts are being undertaken at both Region V and OEPA to insure consistent interpretation of regulations among EPA Regions and among Ohio District Offices?
- What are the current enforcement objectives within Region V?
- Are there any new significant enforcement initiatives by EPA with regard to Ohio operations?

- Air

- What role do you see the Region playing in rulemakings, such as Risk and Technology reviews?
- What are the anticipated next steps for the consideration for development of the next round of NAAQS revisions?
- What is the status of implementing Administrator Pruitt's December 7, 2017, memo regarding NSR policy regarding enforceability and use of the actual-to-projected-actual applicability test in determining major modification applicability?
- What is the schedule for implementing the guidelines in Administrator Pruitt's March 13, 2018, memo titled "Project Emissions Accounting Under the New Source Review Preconstruction Permitting Program?"
- Some Region V states as well as other states are engaged in a discussion of crafting their own Good Neighbor ozone transport strategies. What role or observations does EPA Region V have regarding those efforts?
- The EPA enforcement web page site reporting 2017 enforcement results ([HYPERLINK "<https://www.epa.gov/newsreleases/epa-announces-2017-annual-environmental-enforcement-results>"]) states that *"...the overwhelming majority of EPA's enforcement actions are taken in programs that are: (1) not delegable to the state or a federally-recognized tribe; (2) in states or tribes that have not sought authorization to implement a delegable program; or (3) in states or tribes that do not have the resources, expertise, or the will to take action, or that seek assistance from the Agency — and all of these actions are taken in coordination with the states or tribes."* (emphasis supplied)
EPA Region III in 2017 inspected oil & gas facilities without WV DAQ representatives present but with EPA Region IV representatives present. Is this inconsistent with the statement on the web page and is it going to be done in Ohio?
- Does EPA Region V intend to inspect Ohio oil and gas sources in 2018 using FLIR and other optical emissions measurement techniques?
- Will there be other EPA enforcement activities in 2018 related to Subpart OOOOa at Ohio oil & gas facilities?
- On March 13, 2018, NY filed a Clean Air Act Section 126 petition against numerous EGU and non-EGU sites in Ohio ([HYPERLINK "<http://www.dec.ny.gov/press/112981.html>"]). Is OEPA going to respond and will Region V be involved in the response?

- Water

- What is the status of consultation between USACE, EPA, and OEPA regarding the “Waters of the US” rule finalized February 6, 2018?
- Are there 2018 EPA and OEPA plans for enforcement at pipeline sites regarding stormwater discharges, 401/404 certification, and pigging activities?
- Is there a plan to adopt nutrient loading limits for point sources in tributaries to the Ohio River to attempt to deal with Gulf of Mexico hypoxia?
- Is Region V aware of the work that HQ is doing to address issues related to the draft Conductivity Guidance?
- **Land**
 - What guidance has the Regional office and/or Headquarters offered Ohio on the implementation of a state coal combustion residual rule (“CCR”)?
 - How will EPA dovetail regulatory enforcement of the existing CCR rule with any final rule that is based on the March 1, 2018, proposed rules?
 - Please provide feedback on what is working with RCRA Corrective Action implementation.
- **Superfund**
 - On July 25, 2017, EPA’s Superfund Task Force released recommendations that were organized under five goals:
 - Expediting cleanup and remediation;
 - Reinvigorating responsible-party cleanup and reuse;
 - Encouraging private investment;
 - Promoting redevelopment and community revitalization; and
 - Engaging partners and stakeholders

What is the status of progress on each goal?

- On March 19, 2018, Administrator Pruitt was quoted as saying “I’m going to get accountability with whomever it is on these Superfund sites and we will use every means of enforcement to do so...I don’t think we’ve done it as well as we should have historically and we’re going to do better going forward.” That said, progress on numerous Superfund

sites has historically been slowed by what seems to be interminable contribution litigation during which little remediation is done but PRPs spend vast amounts of resources litigating liability. Does EPA plan to revise any Superfund regulations in order to fix this broken system or will enhanced enforcement now by EPA simply entrench the contribution litigation mentality of PRPs and further slow remediation of sites?